

CODE ENFORCEMENT BOARD
City Commission Meeting Room
100 North Andrews Avenue
FEBRUARY 24, 2004
10:00 A.M – 3:02 P.M.

ATTENDANCE

CUMULATIVE

From January, 2002
Present Absent

BOARD MEMBERS PRESENT:

Pat Hale, Vice-Chairman	21	2
Myrnabelle Roche	1	
Sarah Horn	10	3
Gerald D. Jordan, Chairman	22	1
John Phillips	23	0
Rixon Rafter	19	4
Bobby Young	19	4

Richard Guiffreda, Attorney

BOARD MEMBERS ABSENT

None

STAFF PRESENT

Assistant City Attorney
Susan Batchelder, Community Inspections
Eve Bazer, Administrative Assistant II
Sylvia Dietrich, Service Clerk
Douglas Kurtok, Building Inspector
Wayne Strawn, Building Inspector
Ken Reardon, Building Inspector
Robert Pignataro, Building Inspector
Steve Kastner, Fire Marshall
Robert Kisarewich, Fire Inspector
Dallas Shumacher, Fire Inspector
Tom Clements, Fire Inspector
Jeff Lucas, Fire Inspector

Margaret A. D'Alessio, Recording Secretary

ALSO PRESENT:

Adeline Emmanber (CE03061467)	Gil Ramirez (CE97120703)
Ron Pacini (CE03031941)	Fredric Weber (CE02100142)
Alan Gabriel (CE03031941)	Karen Beard (CE01071635)
Don Zimmer (CE02106142)	Richard Apel (CE03080416)
Levindra Roy (CE03062263)	Louis Roig (CE03041128)
Don Olsen (CE03102466)	Jonathan Fryd (CE03041128)
Alexander McIntock (CE03041128)	Francisca DeEspin (CE03110112)
Berta Bianco (CE03110112)	Ted Katz (CE03110446)
Derrick Cagliamone (CE03082117)	Clare Vickery (CE03042172)
Steve Chess (CE02011803)	Steve Thurman (CE03042454)
Laura Smith (CE03100708)	Dick Yeung (CE03121584)
Sui Ping Cheung (CE03121584)	Bashor Yatak (CE03060782)
Brad Fitzgerald (CE03082248)	

Chairman Gerald Jordan called the meeting to order at approximately 10:08 a.m., and proceeded to introduce the Board and explain the procedure for today's meeting.

Amnesty Program Update

Lori Milano, Director Community Inspections, stated that this was the final week of the Amnesty Program which ran from February 1, 2004 to March 1, 2004. She reminded everyone that their goal had been to collect \$550,000 in fines and revenues in an effort to balance the budget and save the 30 PSA positions. She added that as of yesterday, they had collected \$425,137.75 which was 77% of their targeted goal. She stated that yesterday they had collected almost \$73,000. She further stated that after March 1, 2004, they were not sure what the rules were going to be.

Chair Gerald Jordan asked if Ms. Milano could return next month and give a final report on this program to the Board. Ms. Milano confirmed.

Chair Gerald Jordan asked if the City was going to begin foreclosures since they had not done that in a long time.

The Assistant City Attorney stated that she had been with the City for 1 ½ years and during that time they had not done any foreclosures. She remarked that the City was not in the property management business. She stated that another solution they were considering was to turn the outstanding liens over to a collection agency. She advised that the Purchasing Department was beginning to put together an RFP to selection such an agency.

Chair Gerald Jordan suggested that the vacant lots be put up for sale, and stated that he was surprised the City had not done that in the past especially since they needed extra revenue.

Rixon Rafter stated that he was also surprised that the City had not pursued such a course of action because they owned a lot of properties throughout the City, and there was potential to even acquire additional properties. He remarked there was a maintenance problem with the City lots. He felt that was a short term problem towards a long term solution which was to make what they did valid. He felt there was no validity to the whole process when they accrued hundreds of liens and then did not foreclose on them.

NOTE: All individuals wishing to speak on any of the cases on today's agenda were sworn in.

Reference No. CE03100708

Laura Woolstencroft
6191 NW 32 Way

FBC104.1 – Work without permits.

Eve Bazer stated that Certified Mail had been sent to Laura Woolstencroft and signed for on December 24, 2003, signature illegible.

Douglas Kurtcock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He continued stating that the homeowner had currently hired an engineer and a general contractor to bring the property into compliance. He recommended that 60 days be given for compliance or a fine of \$25 per day would be imposed.

Laura Smith, owner, stated that the engineer was currently drafting the plans.

Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City granting 60 days for compliance or a fine of \$25 per day would be imposed. Board unanimously approved.

Reference No. CE03060782

Mahyoub & Sons Inc.
909 NW 6 Street

15-28 – No occupational license.
18-27(a) - Property littered with debris. ULDR 47-19.4 D.7 – Dumpster not provided with required water supply and drain for sanitary purposes. ULDR 47-20-20.H. – Striping in parking

area not being maintained. ULDR 47-21.8 – Landscaping not maintained. ULDR 47-22.3.C – 2 banner signs on building. ULDR 47-25.3.A.3.d.iv – No masonry buffer wall between residential and commercial properties. Sec. 9-306 – Peeling paint/stained surfaces. FBC 104.2.11 – Mechanical work without permits. FBC 104.2.4 – Plumbing work without permits. FBC 104.2.5 – Electrical work without permits. FBC 3401.6 – Structure/fixtures in disrepair. ULDR 47-19.4 D.1 – 2 dumpsters on property, one not enclosed as required.

Eve Bazer stated that Certified Mail had been sent to Mahyoub & Sons, signature illegible. No date on greed card which was received back in Community Inspections on February 20, 2004. She further stated that there was a verbal agreement with the owner of the property.

Wayne Strawn, Wayne Strawn, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that the following sections were in compliance: 18-27(a), 47-21.8 and 47-22.3.C. He further stated that they were giving 6 months for 47-25.3.A.3.d.iv to come into compliance. He advised that the other 8 violations would have 90 days for compliance or a fine of \$50 per day, per violation, would be imposed.

Bashor Yatak, President of the corporation, stated that they agreed to the terms of the verbal agreement.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 90 days for compliance or a fine of \$50 per day would be imposed, and 6 months be given for 47-25.3.A.3.d.iv and 47-19.4 D.7. for compliance. Board unanimously approved.

Reference No. CE03082117

611 NE 13 Street LLC
611 NE 13 Street

Sec. 15-28 – Required occupational license. FBC 11-4.6.1 – Required handicapped parking. FBC 11-4.6.4 – Required handicapped signage. FBC 11-4.7 – Required handicapped ramp.

FBC 104.2.11 – Mechanical work
without permits.

Eve Bazer announced that Certified Mail had been sent to Derrick Caglianone, Registered Agent and Manager and signed for on January 14, 2004, signature illegible. Certified Mail to 611 NE 13 Street LLC and signed for on January 14, 2004, signature illegible.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and the violations as listed on the agenda. He advised that FBC 104.2.11 was in compliance. He stated there was a verbal agreement with the owner for 60 days or a fine of \$50 per day, per violation, would be imposed.

Derrick Caglianone, owner, stated that this property was a laundermat and he agreed to the terms of the Verbal Agreement.

Motion made by Pat Hale and seconded by Rixon Rafter to find in favor of the City granting 60 days for compliance or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03082248

W & W LLC
808 W. Broward Blvd.

FBC 104.1 – Work without
permits. FBC 104.2.4 – Plumbing
work without permits. FBC
104.2.5 – Electrical work without
permits.

Eve Bazer announced that Certified Mail had been sent to Brad Ford Fitzgerald, Registered Agent and Manager, signature illegible. No date on the green card received back in Community Inspections on February 20, 2004. She stated that Certified Mail had also been sent to W & W LLC and signed for on February 18, 2004, signature illegible. Certified Mail also was sent to Steven Hudson, Manager, and signed for on February 18, 2004 by Jamie Goff.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He further stated that there was a verbal agreement for 120 days for compliance or a fine of \$100 per day, per violation, would be imposed.

Brad Fitzgerald, Registered Agent, stated that this was a retail building on Broward Boulevard which had been the old Kawasaki Dealership. He remarked that it had been turned into Camp Canine, a doggie day care facility. He stated the hold up had been due to the Health Department, but they had just received a letter stating that since the facility was located on a drain field, they needed to

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install a tank. He added that all the chemicals used on the dogs were organic and testing had been done. Therefore, they now stated that a holding tank would not be necessary. He advised they were also going through a DRC process at this time.

Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City granting 120 days for compliance or a fine of \$100 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03042454

Steve & Lorena Thurman
1401 SW 29 St.

FBC 104.1 – Work without permits. FBC 104.9.3.1 - Expired permits.

Eve Bazer announced that personal service was made to Lorena Thurman on February 8, 2004 by Inspector Guilford.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that FBC 104.1 was being withdrawn. He stated that he had reached a Verbal Agreement with the owner for 90 days or a fine of \$50 per day would be imposed.

Steven Thurman, owner, stated that they agreed to the terms of the Verbal Agreement.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 90 days for compliance or a fine of \$50 per day would be imposed. Board unanimously approved.

Reference: CE02011803

Steven Chess
773 Middle River Dr.

ULDR 47-19.3.A – Installed mooring devices, elevator boat lift and 3 davits. FBC 104.1 – Work without permits.

Eve Bazer announced that Personal Service had been made to Steven Chess on February 15, 2004 by Inspector Pignataro. Certified Mail had also been sent to Steven and Karen Chess and signed for on February 13, 2004 by K. Chess.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda.

Steven Chess, owner, stated that he had plans approved in 1998 and had moved

into the house. He further stated that there was 680' across the canal from where he lived and had gone before the Marine Advisory Board regarding dolphin poles. He stated that in 1989 there was no GPS, and when a new survey had been done it was discovered that his pier was 4" too long. According to the ADA, the davits were permitted as long as it did not cost the City any money. He advised that the piers were concrete.

Chair Gerald Jordan stated that this appeared to be a Board of Adjustment problem.

Rixon Rafter suggested that the owner request an extension of time today.

John Phillips entered the meeting at approximately 10:45 a.m.

Mr. Malik stated that he had spoken with John Smith and the bolts had to be removed in order to get a permit and be in compliance. He stated that if the owner wanted to go before the Board of Adjustment, he would not have a problem giving him 180 days for compliance or a fine of \$50 per day, per violation, would be imposed.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 180 days for compliance or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03121584

Sie Fu & Sui Ping Cheung
2501 Davie Blvd.

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Siu Fu and Sui Ping Cheung and signed for on February 13, 2004, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated he had reached a Verbal Agreement with the owner for 120 days or a fine of \$100 per day would be imposed. He advised that this was a restaurant and a boy had thrown a ball threw the window and had been killed. Then, the restaurant had been vandalized. The window had been replaced without a permit. Later, a car had hit the building and 3 of the windows that had previously been replaced were still requiring a permit. The insurance repair contractor that was to rebuild the front of the building would include the permitting for the windows.

Richard Young, representing the owner, stated that they were in agreement to the terms of the Verbal Agreement.

Motion made by Pat Hale and seconded by Sara Horn to find in favor of the City granting 120 days for compliance or a fine of \$100 per day would be imposed. Board unanimously approved.

Reference: CE03110112

Raul Oliva & Francisca De Espin
2636 SW 2 St.

Sec. 9-279(f) – No water service.
Sec. 9-305(b) – Required ground cover. FBC 104.1 – Work without permits. FBC 104.2.4 – Plumbing work without permits. FBC – 3401.6 – Structure/fixtures in disrepair.

Eve Bazer announced that Certified Mail had been sent to Raul Oliva and Francisca De Espin and signed for on January 17, 2004 by Raul Oliva.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He further stated that this was a complicated situation, and the attorney representing them had not shown up. He advised that they had purchased the house with the violations.

Berta Blanco, her mother is Francisca De Espin, stated that the house had been purchased on October 31, 2003.

Eve Bazer stated that since the owner had legal counsel, they should not be hearing the case without counsel being present.

Chair Gerald Jordan asked if the owner wanted to wait and see if their counsel would show up. It was agreed they would go and call and see if he could be located.

Reference: CE02110101

Dennis and Darnie Wright
1223 NW 6 St.

NFPA 1 1-4.4 – No entry to do inspection.

Eve Bazer announced that Certified Mail had been sent to Dennis and Darnie Wright and signed for by V. Wright. No date on the green card which had been received back in Community Inspections on December 20, 2004.

Dallas Shumaker, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. He advised they had not been

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able to gain access to the building for an inspection. He suggested that two weeks be given for compliance or a fine of \$150 per day would be imposed.

Bob Young advised they were in the process of demolishing the building which had been a club.

Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City granting 2 weeks for compliance or a fine of \$150 per day would be imposed. Board unanimously approved.

Reference: CE03021984

Carlton Tower Condo Assn
3000 E. Sunrise Blvd.

FBC 104.1 – Work without permits. FBC
3401.6 – Structure/fixtures in disrepair.

Eve Bazer announced that Certified Mail had been sent to Carolton Tower Condo Association and signed for on December 24, 2003 by Maritza Escoba.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He advised they were getting a permit and recommended 60 days for compliance or a fine of \$100 per day, per violation, would be imposed.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 60 days for compliance or a fine of \$100 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03030921

Louis Paolino, Jr.
2626 Del Mar PI

ULDR 47-19.5 H. 2. – Hedge at sea wall
exceeding 30" limit. FBC 104.1 – Work
without permits.

Eve Bazer announced that Personal Service had been made to the owner's girlfriend (also a resident at the property) by Inspector Pignataro on January 23, 2004.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He recommended 60 days for compliance or a fine of \$50 per day, per violation, would be imposed.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 60 days for compliance or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03110112

Chair Gerald Jordan referred the Board back to Case CE03110112.

The owner advised the Board that she was unable to contact her counsel.

Kenneth Reardon, Building Inspector, suggested that they grant a 30 day continuance in regard to this matter. He stated that he would post a notice giving the people 72 hours to vacate the property.

Motion made by Bob Young and seconded by Pat Hale to grant a 30-day continuance and the tenants were to be evicted in 72 hours. Board unanimously approved.

Reference: CE03042172

Larry W. & Deborah Springs
3013 NE 20 Ct.

Old Business

Eve Bazer announced that this case had originally been heard on August 26, 2003, with compliance ordered by February 26, 2004. No fines at this time.

Clare Vickery, representative of the owner, stated that the owner had purchased this property with the violation. A permit had been pulled for the work by the previous owner, but no final inspection had taken place. She advised that they needed about 120 days for compliance.

Rixon Rafter stated that the Commission was sensitive to precedence regarding these issues. He stated further there were some funny boat arrangements on waterfront property, and therefore, they had to be careful.

Mohammed Malik, Building Inspector, recommended that they grant 120 days for compliance since the matter had to be reviewed by Jamie Hart.

Motion made by John Phillips and seconded by Pat Hale to grant 120-day extension. Board unanimously approved.

Reference: CE03102163

Swiss Beach Holdings, Inc.
219 S. Ft. Lauderdale Beach Blvd.
#2

Sec. 9-313(b) – Address numbers
wrong size.

Eve Bazer announced that service had been made on this case via unclaimed certified mail which had been attempted on January 21, 2004, January 28, 2004 and returned to Community Inspections on February 5, 2004 for notice to the corporation and to Tom Toomey, Registered Agent.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He advised that Sec. 9-313(b) was in compliance. He recommended 60 days in regard to the other violation for compliance or a fine of \$100 per day be imposed. He advised that the banner had been removed.

Motion made by Pat Hale and seconded by Rixon Rafter to find in favor of the City granting 60 days for compliance or a fine of \$100 per day would be imposed. Board unanimously approved.

Reference: CE01100240

John & Susan Storelli
631 NE 18 Ave.

FBC 104.1 – Work without permits.

Eve Bazer announced that this case had been continued from the October 28, 2003 meeting.

Sylvia Dietrich announced that she had received a call in regard to this matter yesterday from Jack Siler who stated that he would be in session, and requested that this case be continued after May 15, 2004.

Motion made by Pat Hale and seconded by Bob Young to grant a continuance until May 25, 2004. Board unanimously approved.

Reference: CE03071744

CAL Associates
2920 SW 4 Ave.

FBC 11-4.6.1 – Required handicapped parking.
FBC 11-4.6.4 – Required handicapped signage. Sec.15-28 – Required occupational license. Sec. 47-20.8 – Required striping of parking area.

Eve Bazer announced that Certified Mail had been sent to CAL Associates and signed for on January 24, 2004, signature illegible.

Mohammed Malik, Building Inspector, recommended that 90 days be given for compliance or a fine of \$50 per day, per violation, be imposed.

Motion made by Bob Young and seconded by Rixon Rafter to find in favor of the City granting 90 days for compliance or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03090994

Keith Jones
1730 NE 16 St.

FBC 3401.6 – Structure/fixtures in disrepair.

Eve Bazer announced that personal service had been made to Keith Jones on February 7, 2004 by Inspector Guilford.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He recommended that 60 days be given for compliance or a fine of \$50 per day, per violation, be imposed.

Motion made by Sara Horn and seconded by Pat Hale to find in favor of the City granting 60 days for compliance or a fine of \$50 per day would be imposed. Board unanimously approved.

Reference: CE03111504

Julia Mavris
3057 Center Ave.

FBC 104.1 – Work without permits. FBC
104.2.5 – Electrical work without permits. FBC
104.2.4 – Plumbing work without permits.

Eve Bazer announced that Certified Mail had been sent to Julia Mauris and signed for on January 16, 2004, signature illegible.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He advised that he had spoken to the owner's attorney and they had reached a verbal agreement for 90 days for compliance or a fine of \$50 per day, per violation, would be imposed.

Motion made by Sara Horn and seconded by Bob Young to find in favor of the City granting 90 days for compliance or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03121495

1147 Fourth Avenue LLC
1147 NE 4 Ave.

FBC 104.1 – Work without permits. FBC
104.9.3.1 – Expired permits.

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Eve Bazer announced that Personal Service had been made to Bruce Corneal on February 15, 2004 by Inspector Pignataro.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated they had removed the gazebo and had added some additional fencing. He recommended 60 days for compliance or a fine of \$50 per day, per violation, would be imposed.

Motion made by Sara Horn and seconded by Pat Hale to find in favor of the City granting 60 days for compliance or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03040989

Edward & Karen Stricklin
820 W. Las Olas Blvd.

FBC 104.9.3.1 – Expired permits.

Eve Bazer announced that Service had been made via unclaimed mail which was attempted on January 14, 2004 and January 21, 2004. Green card received back in Community Inspections on February 16, 2004.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He recommended 30 days for compliance or a fine of \$100 per day would be imposed. He reiterated that this was an ongoing problem.

Motion made by Sara Horn and seconded by Pat Hale to find in favor of the City granting 30 days for compliance or a fine of \$100 per day would be imposed. Board unanimously approved.

Reference: CE03082335

GC Properties LLC
621 SW 15 Ave.

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to GC Properties and signed for on February 13, 2004 by Nancy Dolen.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He recommended 30 days or a fine of \$50 per day, and that the Order be recorded.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 30 days for compliance or a fine of \$50 per day would be imposed, and that the Order be recorded. Board unanimously approved.

Reference: CE03092176

Brian M. Bell
901 SW 16 St.

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Brian Bell and signed for by Carisa Beu. No date on the green card which was received back in Community Inspections on January 16, 2004.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that he was working with the owner and recommended 180 days for compliance or a fine of \$10 per day be imposed. He explained that this had been a homemade shed and architectural drawings were needed.

Motion made by Pat Hale and seconded by Bob Young to find in favor of the City granting 180 days for compliance or a fine of \$10 per day would be imposed. Board unanimously approved.

Reference: CE03110052

Jerome & Kathleen Fadgen
2514 SW 09 Ave.

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Jerome and Kathleen Fadgen and signed for on January 16, 2004 by Jerry Fadgen.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He recommended 60 days for compliance or a fine of \$10 per day be imposed.

Motion made by Sara Horn and seconded by Rixon Rafter to find in favor of the City granting 60 days for compliance or a fine of \$10 per day would be imposed. Board unanimously approved.

Reference: CE03110062

Brian Wilson
908 SW 18 St.

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Brian Wilson and signed on January 21, 2004 by Amy Wilson.

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Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He recommended 60 days for compliance or a fine of \$10 per day would be imposed.

Motion made by Sara Horn and seconded by Pat Hale to find in favor of the City granting 60 days for compliance or a fine of \$10 per day would be imposed. Board unanimously approved.

Reference: CE03071392

Anthony B. Taylor
1640 NW 9 Ave.

FBC 104.1 – Work without permits

Eve Bazer announced that Certified Mail had been sent to Anthony Taylor and signed for on January 8, 2004 by Shirley Kisson.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that an application for a permit had been submitted several months ago, and therefore, recommended that 60 days be given for compliance or a fine of \$25 per day be imposed.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 60 days for compliance or a fine of \$25 per day would be imposed. Board unanimously approved.

Reference: CE03071837

Joan N. Carroll
6968 NW 30 Ave.

FBC 104.1 – Work without permits

Eve Bazer announced that Certified Mail had been sent to Joan Carroll and signed for on January 17, 2004 by Bud Carroll.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated there was a Stipulated Agreement for compliance within 90 days of the January 27, 2004 meeting or a fine of \$25 per day would be imposed.

Motion made by Pat Hale and seconded by Rixon Rafter to find in favor of the City granting 90 days for compliance or a fine of \$25 per day would be imposed in accordance with the terms of the Stipulated Agreement. Board unanimously approved.

Reference: CE 03072155

Tennis Club #2
Condo Assn.
701 NW 19 St.

FBC 3401.6 – Structure/fixtures
in disrepair

Eve Bazer announced that Certified Mail had been sent to the Tennis Club #2 Condo Assn., and signed for by Daniel Torre. No date on the green card which was returned to Community Inspections on February 20, 2004.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that this was a multi-family, 5-story condominium building. He further stated that the problem was that there was failure to restore the concrete at the end of the balcony. He explained there were no life safety issues at this time, but ones could develop as time went on. He stated that an engineer was supposed to draw up plans last year, but nothing had been done. He recommended 30 days for compliance or a fine of \$100 per day be imposed, and that the Order be recorded.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 30 days for compliance or a fine of \$100 per day would be imposed, and that the Order be recorded. Board unanimously approved.

Reference: CE03072352

Arthur L. Siegfried
346 City View Drive

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Arthur Siegfried and signed for on December 26, 2003 by A. Siegfried.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that this was a townhouse, and the contractor was to get an after-the-fact permit. He explained there was an issue with engineering regarding hurricane shutters. He recommended 60 days for compliance or a fine of \$25 per day be imposed. He explained further that they had agreed to these terms over the phone yesterday.

Motion made by Sara Horn and seconded by John Phillips to find in favor of the City granting 60 days for compliance or a fine of \$25 per day would be imposed. Board unanimously approved.

Reference: CE03081681

Ryan Valade
824 NW 15 Ave.

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Ryan Valade and signed for on January 24, 2004, signature illegible.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He recommended 60 days for compliance or a fine of \$25 per day be imposed.

Motion made by Sara Horn and seconded by Rixon Rafter to find in favor of the City granting 60 days for compliance or a fine of \$25 per day would be imposed. Board unanimously approved.

Reference: CE03091165

Philip Bacigaluppi
1345 NW 7 Ter.

FBC 104.1 – Work without permits. FBC 104.2.11 – Mechanical work without permits. FBC 104.2.4 – Plumbing work without permits. FBC 104.2.5 – Electrical work without permits.

Eve Bazer announced that Certified Mail had been sent to Philip Bacigaluppi and signed for on December 26, 2003, signature illegible.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that this was a single-family residence which was an unoccupied rental property. The owner had applied for permits but has to get some architectural and engineering issues resolved due to how the carport had been enclosed. He recommended 60 days or a fine of \$50 per day, per violation, be imposed and that the Order be recorded.

Motion made by John Phillips and seconded by Bob Young to find in favor of the City granting 60 days for compliance or a fine of \$50 per day would be imposed, and that the Order be recorded. Board unanimously approved.

Reference: CE03091963

Brian & Jeanine Larue
6721 NW 22 Ter.

FBC 104.1 – Work without permits

Eve Bazer announced that Certified Mail had been sent to Brian and Jeanine Larue and signed for on January 8, 2004 by J. Larue.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He recommended 60 days for compliance or a fine of \$25 per day be imposed.

Motion made by Bob Young and seconded by Rixon Rafter to find in favor of the City granting 60 days for compliance or a fine of \$25 per day would be imposed. Board unanimously approved.

Reference: CE03100539

Charles Richards & Leonie Richards
And Leroy King
827 NW 10 Ter.

FBC 104.1 – Work without permits

Rixon Rafter asked how the inspector was made aware of this problem. Mr. Kurtock stated that normally they received such information through the Code Officer who patrolled the area.

Eve Bazer announced that Certified Mail had been sent to Charles and Leonie Richards and Leroy King, and signed for on January 2, 2004 by Charles Richards.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated there was a Stipulated Agreement for 90 days or a fine of \$25 per day would be imposed.

Motion made by Pat Hale and seconded by Rixon Rafter to find in favor of the City granting 90 days for compliance or a fine of \$25 per day would be imposed. Board unanimously approved.

Reference: CE03100540

Charles Richards & Leonie Richards
And Leroy King
829 NW 10 Ter.

FBC 104.1 – Work without permits. FBC
104.2.4 – Plumbing work without
permits. FBC 104.2.5 – Electrical work
without permits.

Eve Bazer announced that Certified Mail had been sent to Charles and Leonie Richards, and Leroy King and signed for on January 2, 2004 by Charles Richards.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated there was a Stipulated Agreement for 90 days or a fine of \$25 per day, per violation, would be imposed.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 90 days for compliance or a fine of \$25 per day would be imposed in accordance with the terms of the Stipulated Agreement. Board unanimously approved.

Reference: CE03100541

Charles Richards & Leonie Richards
And Leroy King
833 NW 10 Ter.

BC 104.1 – Work without permits. FBC
104.2.4 – Plumbing work without
permits. FBC 104.2.5 – Electrical work
without permits.

Eve Bazer announced that Certified Mail had been sent to Charles and Leonie Richards and Leroy King and signed for on January 2, 2004 by Charles Richards.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that there was a Stipulated Agreement for 90 days to come into compliance or a fine of \$25 per day, per violation, would be imposed.

Motion made by Bob Young and seconded by Rixon Rafter to find in favor of the City granting 90 days for compliance or a fine of \$25 per day would be imposed. Board unanimously approved.

Reference: CE03100542

Charles Richards & Leonie Richards
And Leroy King
837 NW 10 Ter.

FBC 104.1 – Work without permits.
FBC 104.2.4 – Plumbing work without
permits. FBC 104.2.5 – Electrical work
without permits.

Eve Bazer announced that Certified Mail had been sent to Charles and Leonie Richards and Leroy King and signed for on January 2, 2004 by Charles Richards. She further stated there was a Stipulated Agreement for 90 days from the January 27, 2004 meeting or a fine of \$25 per day, per violation, would be imposed.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda.

Motion made by Bob Young and seconded by Rixon Rafter to approve the terms of the Stipulated Agreement. Board unanimously approved.

Reference: CE03110446

American Residential Marking Inc.
1708 NW 7 St.

FBC 104.1 – Work without permits

Eve Bazer announced that Certified Mail had been sent to American Residential Marketing Inc. and signed for on February 17, 2004 by M. Watson.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He recommended that 60 days be given for compliance or a fine of \$50 per day be imposed.

Motion made by Sara Horn and seconded by John Phillips to find in favor of the City granting 60 days for compliance or a fine of \$50 per day would be imposed. Board unanimously approved.

MEETING RECESSED AT 12:00 P.M.

MEETING RECONVENED AT 1:00 P.M.

Chair Gerald Jordan proceeded to introduce the Board.

Note: All individuals wishing to speak on any of the cases on this afternoon's agenda were sworn in.

Reference: CE03031941

Dadan Packaging Inc.
980 NW 10 Ave.

Old Business

Eve Bazer announced that this case had originally been heard on June 24, 2003 with compliance by December 24, 2003. Motion filed for rehearing and request for Stay of Order and lien recordation. Fines total \$21,350. She stated that this was a request for a rehearing of a Massey Hearing from January 27, 2004.

Alan Gabriel, attorney representing Dadan Packaging, Inc., stated that this was not necessarily a request for a rehearing of the Massey Hearing, inasmuch that it was a request for an extension of the compliance date. He explained there was a

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compliance date of December 24, 2003 that had been ordered by the Board. He stated there was a notice of violation issued on May 29, 2003, and there had been 7 alleged violations. He explained that the owner had hired an architect and had been working diligently to bring the property into compliance.

Mr. Gabriel continued stating that the violations were not an issue, but they were attempting to address the process and procedure. He stated they were requesting reconsideration by this Board due to the efforts of what was happening in this case. He explained that the ordinance provided that the "intent of the Code was to enforce the technical laws and codes of the City equitably, expeditiously and effectively." He stated that this individual had worked from the date of the notice to bring the property into compliance and due to some of the issues, he was not able to accomplish that during the timeframes granted.

Mr. Gabriel further stated that in November, 2003, the owner had attempted to come before the Board to ask for an extension, but had been told there was no December meeting. In January, 2004, he had received a notice about the Massey Hearing. He explained that the owner had come before the Board in January with the expectation of providing and presenting the information to request the extension. He found out that was not what the Board heard during a Massey Hearing. He stated that should have been a request for an extension at that time.

Mr. Gabriel stated that the owner had submitted plans twice to the Building Department. He explained that the owner had built a second floor in the interior of the warehouse, and the Building Department was requesting that an elevator be installed. He further stated that there was also an issue as to whether a warehouse exhaust system would be required. He explained that the owner had hired experts to deal with these issues, and eventually the City decided that an elevator was not necessary, but decided the exhaust system would be required.

Mr. Gabriel stated further that he realized this was an unusual request at this time of the process, but due to the circumstances and the equities being asked, the owner had secured permits for 5 of the violations. He reminded the Board that as long as the property was in violation, the occupational license would not be issued. He stated that instead of striping the handicapped lot, the owner was totally redoing the lot. He asked the Board to consider extending the compliance date for the owner until March 15, 2004.

The Assistant City Attorney explained that the reason for the fines were because at the January meeting the Board had imposed a fine and had issued an Order. She advised that the Order imposing the fine had not been recorded. She stated it was the City's position that this Board did not have the authority to rehear its cases. She explained that neither the ordinance or the statute gave this Board such authority. She further advised that administrative boards had inherent authority to rehear cases within a limited period of time, and this case did fall

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within such time periods. She explained that the grounds for exercising such inherent authority were limited to situations where there was new evidence or a mistake made by the Board. She stated that she did not think the attorney had presented such grounds for reconsideration.

John Phillips asked if sometimes liens had been reduced years later due to certain circumstances. Chair Gerry Jordan agreed that had been done in the past. The Assistant City Attorney remarked that the Order could be recorded at any time and they did not have to wait for the 30-day time frame.

Rixon Rafter stated that he felt not having a December meeting had nothing to do with the Massey Hearing which had been held. He further stated that the Board had then ruled the owner was not in compliance.

Motion made by John Phillips and seconded by Pat Hale that the attorney for this case had set forth sufficient reasons of fairness and equity indicating that there was some justifiable excuse due to a December meeting not being held. He stated that a good faith excuse had been set forth, and proper reasons existed to set aside the finding from last month and for the Board to reopen the matter and consider an extension of time until March 23, 2004, and that the City not record any lien.

Mohammed Malik, Building Inspector, stated that the owner had been working diligently on this matter, and he would not be opposed to such an extension.

Board unanimously approved the motion, except for Rixon Rafter who opposed along with _____???? (Couldn't hear the second no on the tape) Motion carried 4-2.

Reference: CE02100142

Weber Holdings LLC
3042 N. Federal HWY

Old Business

Eve Bazer announced that this case had originally been heard on April 22, 2003 with compliance ordered by October 23, 2003. The date was extended to January 28, 2004 on the Board's Order of October 28, 2003. The current fines total \$9600.

Don Zimmer, architect, stated that this matter had been extended several times, but the fire alarm was still not done due to work being done on the elevator. He further stated that they had signed an agreement to have the elevator fixed at the cost of \$30,000. They had been informed that the work would be done in April, 2004, taking about 3 ½ weeks for completion. He stated that they were requesting an extension until May, 2004.

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Jeff Lucas, Fire Inspector, stated that the owner had been working diligently towards compliance. He explained they were waiting for a final inspection for the building permit, and a permit for the fire alarm. He stated that he did not object to an extension of time.

Motion made by Rixon Rafter and seconded by Bob Young to grant a 90-day extension for compliance. Board unanimously agreed.

Reference: CE01071635

Florida Trust for Historic
Preservation Inc.
900 N. Birch Rd.

Old Business

Eve Bazer announced that this case had originally been heard on February 25, 2003 with compliance ordered by August 25, 2003. The date had been extended to January 21, 2004 on the Board's Order of September 23, 2003. The current fines total \$3,050.

Karen Beard, Executive Director of Bonnet House, stated that she was also on the Board of the Florida Trust for Historic Preservation. She further stated that this matter had gone on for a long time, and basically the Fort Lauderdale Beach Resort and the Bonnet House had been cited for wall repair. All engineers involved had stated that the retaining wall had to be done first which was the responsibility of the Fort Lauderdale Beach Resort. She explained they had secured the permit for the work, and asked if they could receive an extension of 60 days from March 26, 2004 to complete the repairs.

Chair Gerry Jordan explained the circumstances involved in this case.

Mohammed Malik, Building Inspector, stated that whatever time had been granted to Fort Lauderdale Beach Resort, he desired that 2 additional months be granted to the Bonnet House.

Motion made by Bob Young and seconded by Rixon Rafter to grant a 120-day extension of time making the compliance date July 27, 2004. Board unanimously approved.

Reference: CE03080416

Floval Oil Corp
1075 W. Sunrise Blvd.

Old Business

Eve Bazer announced that this case had originally been heard on October 28, 2003 with compliance ordered by February 25, 2004. No fines as of this date.

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Bruce Apel, Agent for the project, stated that he had obtained a permit for 90% of the outstanding violations. He stated further that he had to obtain an engineer for some drawings for the project. Therefore, he was requesting an extension until April 30, 2004.

Mr. Apel further stated that after the DRC approval had been granted, they had been informed that they had to go through a dedication of an easement which would throw things off schedule.

Douglas Kurtock, Building Inspector, stated the case number and address of the property. He advised that the property was a convenience store and gas station. He stated that there had been 12 original violations, and the property owner had come into compliance with the following violations: FBC 11-4.6.1, FBC 11-4.6.4, FBC 11-4.7, and FBC 3401.6. He stated that cosmetically the building was now attractive and open for operation. He further stated that the City did not object to an extension of time for compliance. He explained that once they obtained the easement for DOT, then they could proceed with the application process for the new store. He stated that it could take 4-6 months for compliance.

Motion made by Bob Young and seconded by Rixon Rafter to grant a 180-day extension for compliance. Board unanimously approved.

Reference: CE03062263

David Roy & Jiwani Radhica
729 NW 7 Ter

Old Business

Eve Bazer announced that this case had originally been heard on August 26, 2003 for compliance by September 25, 2003. The date was extended to November 25, 2003 on the Board's Order of October 28, 2003. Time was extended until February 24, 2004 on the Board's Order of November 25, 2003. Current fines total \$8,250.

Davinga Roy stated that he was representing his mother who was the owner of the property. He further stated that the problem was with the City and the architect and plans had been revised. The Fire Inspector stated there were not enough emergency lights. He reiterated that they were going back and forth constantly with revisions and requests.

Wayne Strawn, Building Inspector, stated that he had no opposition to an extension of time. He reiterated there were no life safety issues involved in this matter. He suggested that 90 days be given in order to have enough time to resolve the matter.

Motion made by Bob Young and seconded by Rixon Rafter to grant a 90-day extension of time for compliance. Board unanimously approved.

Reference: CE03041128

Isaac Fryd, TR
4950 W. Prospect Rd.

Old Business

Eve Bazer announced that this case had originally been heard on July 22, 2003 with compliance ordered by October 20, 2003. The date was extended until November 27, 2003 on the Board's Order of October 28, 2003. The date was again extended to January 24, 2004 on the Board's Order of November 25, 2003. Again the time was extended to January 26, 2004 on the Board's Order of January 27, 2004. The current fines total \$5,050.

Jonathan Fryd, representing the owner, stated they had completed their plans which had been submitted to the City. He believed the work would be done within the next 90 days.

Douglas Kurtcock, Building Inspector, stated that the owner and the tenant had worked diligently on this matter, and he felt 90 days should be a sufficient amount of time for compliance.

Motion made by Bob Young and seconded by Rixon Rafter to approve a 90-day extension in this matter. Board unanimously approved.

Reference: CE03080562

Berkley South Condo Assn
3015 N. Ocean Blvd.

Old Business

Eve Bazer announced that this case had originally been heard on October 28, 2003 with compliance ordered by January 26, 2004. The total amount of fines \$19,600.

The Assistant City Attorney stated that the property owner had asked to be heard today, and the fact that they were not present, the matter could be deferred until later in case the attorney showed up.

Massey Hearings

Reference: CE03102466

New River Boat Club, Inc.
3001 State Road 84

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Eve Bazer announced that this case had been originally heard on November 25, 2003, with compliance ordered by January 24, 2004. She stated the total fines were \$37,500.

Wayne Strawn, Building Inspector, stated the fine had been imposed due to their not having a building permit. He advised they had received the permit in February.

Don Olsen, Operations Manager, stated that they had originally asked for this item to be listed as Old Business. He stated there had been an ongoing battle with the City for a permit for the parabolic structure. He explained that wind load issues were not being accepted by the City, and therefore, Don Arpin had been hired. He asked if there could be an abatement of fines because the violations had been taken care of except for the parabolic structures. He explained they had to now do the slab work and erect a new parabolic structure.

Wayne Strawn, Building Inspector, stated that the City opposed any abatement of fines. He stated the case had continued for a couple of years and thousands of fines had been waived for the boat yard. He felt this problem was self-imposed.

Mr. Olsen stated that in 2002, they had applied for the permit and had erected one structure. Mr. Strawn reiterated that they had applied for a permit for a parabolic structure. The permit was dead and they had made no efforts to get it approved. He explained a new structure had been erected at 3001 and no permits had been issued. He stated their efforts to comply came after receiving the notice of violation. He believed the fine was in the area of about \$6,000. He stated that he had signed an Affidavit for Non-Compliance for one violation.

Mr. Olsen stated that the property at New River Dry Dock had a contract at the time the parabolic structure had been erected. He felt that it was irrelevant as to what they did with New River Marina, and this was a separate business.

Mr. Strawn added that the property was in compliance as of this time.

Rixon Rafter stated they were eligible for the Amnesty Program, but the fine was predicated upon the fact that they were not in compliance as of the 24th.

Motion made by Rixon Rafter and seconded by Pat Hale to find that the original Order was not complied with by the date set in the Order, and therefore a fine of \$7,500 would be imposed. Board unanimously approved.

Reference: CE03061467

Emmanuel & Adeline Olin
3330 NW 69 Street

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Eve Bazer announced that this case had originally been heard on November 25, 2003 for compliance by January 29, 2004. She stated the fines totaled \$625.

Douglas Kurtock, Building Inspector, stated that the property was not in compliance as of this date.

Adeline Olin, owner, stated that she needed a permit to complete the work. She stated that she had applied for the permit.

Mr. Kurtock stated that they had applied for a permit in June, 2003, but had been rejected by the Building Department. He stated that from what he had heard, he was not sure if the property would be eligible for a permit due to zoning issues. He stated that the structure had to be removed or another alternative provided.

The Board proceeded to explain the situation to the property owner.

Motion made by Rixon Rafter and seconded by Bob Young to find that the original Order was not complied with by the date set in the Order, and therefore, a fine of \$625 would be imposed. Board unanimously approved.

Reference: CE97120703

Berna Inc.
3780 SW 16 Street

Eve Bazer announced that this case had originally been heard on November 25, 2003 for compliance ordered by January 29, 2004. She stated the fines totaled \$2,500. The property was not in compliance as of this date.

Kenneth Reardon, Building Inspector, reiterated that the property was not in compliance as of today's date, and requested that the Board impose the fine they had set previously.

Gil Ramirez, part owner, stated that this property had been purchased through a foreclosure, and they had not been aware of the violations. He reiterated that they were trying to bring the property into compliance.

Motion made by Pat Hale and seconded by John Phillips to find that the original Order was not complied with by the date set in the Order, and therefore, a fine of \$2,650 would be imposed. Board unanimously approved.

Reference: CE00052076

Joseph & Linda Scully
808 NW 9 Avenue

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Eve Bazer announced that this case had originally been heard on September 26, 2000 with compliance ordered by November 28, 2001. She further stated that fines for one section totaled \$16,365, and there was a fine in the amount of \$34,680 for 4 other sections.

The Assistant City Attorney stated that they had received a Motion for Continuance from the attorney representing the property owner. She advised they had asked for the case to be continued until March 23, 2004.

Motion made by Rixon Rafter and seconded by Bob Young to continue this case until March 24, 2004. Board unanimously approved.

Chair Gerry Jordan had a conflict of interest in regard to the next case, and therefore, had turned the gavel over to Pat Hale, Vice Chairman.

Reference: CE9204699

Lizzie M. Sims
1118 NW 11 Place

Eve Bazer announced that this case had originally been heard on July 9, 1992 with compliance ordered by August 22, 1992. There was a fine for one section totaling \$735,350. The property was not in compliance as of this date.

Wayne Strawn, Building Inspector, stated there was one section still not in compliance which dealt with the repair of the columns holding up the roof projection over the front porch. He stated that he had withdrawn the 10th violation due to the fact that it was the neighbor's fence. He stated the security bars over the windows had been a problem.

Motion made by John Phillips and seconded by Bob Young to find that the original Order was not complied with by the date set in the Order, and therefore, a fine of \$735,350 would be imposed. Board unanimously approved.

Chair Gerry Jordan had returned to the Board.

Eve Bazer proceeded to read the following case numbers into the record asking that a motion be passed to impose fines on such cases: CE02110100, CE03021409, CE03081879, CE03082110 and CE03092083.

Motion made by Rixon Rafter and seconded by Pat Hale to find that the original Orders in the above-mentioned cases were not complied with by the dates set in the Order, and therefore, the appropriate fines were to be imposed. Board unanimously approved.

Robert Guieffreda, attorney, stated that in regard to cases #4, #7, #8 and #9

since they were not in compliance, he assumed that the Board intended for the fines to continue to run. In regard to case #5, the \$1400 fine would be imposed. The Board confirmed.

Cases Complied

Ms. Bazer announced that the following cases were in compliance:

CE00051788
CE03100620
CE03121597
CE03121665
CE02120388
CE03010203
CE03062505
CE03080742
CE03092378
CE04011078
CE03100429

Cases with No Service

Ms. Bazer stated that the following cases had no service:

CE03121666
CE03011456
CE03042054
CE03091679
CE03120950
CE04010243
CE02080346
CE03010616
CE03060963
CE03080472
CE03091604
CE03120383
CE03121467

Cases Withdrawn

Ms. Bazer stated that the following cases had been withdrawn:

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CE02010716
CE03100737
CE03030294
CE03090751

Cases Rescheduled

Ms. Bazer stated that the following cases had been rescheduled:

CE03120422

Motion made by Rixon Rafter and seconded by John Phillips to adjourn the meeting.

There being no further business to come before the Board, the meeting was adjourned at 3:02 p.m.

Chairman, Code Enforcement Board

ATTEST:

Margaret A. D'Alessio,
Recording Secretary

NOTE: The agenda associated with this meeting is incorporated into this record by reference.